

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

NOV 30 2000

U.S. DISTRICT COURT
N.D. OF ALABAMA

FRANK CERVANTES,

Petitioner,

vs

WARDEN J. L. SIVLEY,

Respondents.

CIVIL ACTION NO. 97-N-2870-E


last
ENTERED

NOV 30 2000

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the petitioner's motion for summary judgment is due to be denied, while the respondents' motion for summary judgment is due to be granted and this petition for writ of habeas corpus dismissed. An appropriate order will be entered.

DONE, this 30th day of November, 2000.



EDWIN L. NELSON,
UNITED STATES DISTRICT JUDGE

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